

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**THOMAS PETTY**

**Plaintiff**

**V.**

**TOM PETTY TRUCKING COMPANY,  
VICTORY LIFE CHURCH, DANIEL  
GREENWOOD**

**Civil Action No. 3:17-CV-2526**

**Defendant**

**PLAINTIFF' AMENDED PETITION 4.4**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COME NOW, THOMAS PETTY, Individual PRO SE (hereinafter "plaintiff")**  
complaining of **TOM PETTY TRUCKING COMPANY, VICTORY LIFE CHURCH, and**  
**DANIEL GREENWOOD (hereinafter "defendants")**, and for cause of action would show the  
Court the following:

1.

Plaintiff is a resident of Collin County, Texas

Service to defendant is via email.

1 This case arises out of two accidents, and the defendants has a responsibility to the plaintiff for the injuries he suffered as a result of these two accidents, which are cover under defendants' TOM PETTY TRUCKING COMPANY insured by Great west casualty Company

policy # GWP81789F, and there address is 624 Six Flags Dr. 240, Arlington TX., 76011, (P) 800-257-8757, with a corporate address 1100 W 29<sup>th</sup> ST., South Sioux City, NE 68776, (P) 402-494-2411 defendant VICTORY LIFE CHURCH insured by Progressive Corporation, 6300 Wilson Mills Rd, Mayfield Village, Ohio 44143, Progressive claim 16-5507821, defendant DANIEL GREENWOOD insured by Texas Farm Bureau Insurance Companies, 7420 Fish Pond RD, Waco TX 76710, Texas Farm Bureau Policy #21949477, Claim #090630

2 The first accident on 2/12/2016, (Doc 8 exhibit 1, see photos dated 2-12-2016) Insured by Progressive claim 16-5507821 where a negligent vehicle own by Victory Life Church was operating without seats or seat belts, and was carrying passengers, its' driver Ragsdale, Joshua, was using a cell phone while driving, and could not find his glasses. Ragsdale did not yield the right of way, causing an accident with the Plaintiff's vehicle. One of Victory Life Church passenger died at the scene, under Defendants' GWCC claim #J75559. (Doc 8 exhibit 1, See TXDOT, Crash ID 14937167.1/2016080860 Police report document).

After 1<sup>st</sup> accident, TXDOT auditor described a head on accident, which a drugged up, drunken driver, heading the wrong way, drove it in to a big rig traveling on I-35, prior to 2<sup>nd</sup> accident happening.

Second accident on 6/28/2016, (Doc 8 exhibit 1, see photos dated 6-28-2016) insured by Texas Farm Bureau Policy #21949477, Claim #090630 a pickup truck driven by Greenwood, Daniel was in the Plaintiffs' lane going straight towards plaintiff at a very high rate of speed. The Plaintiff applied his brakes and veered off the highway, trying to avoid the pickups on coming

assault. Greenwood never applied his brakes, slamming into the side of the Plaintiffs' 2003 international 9400i. Greenwood, Daniel died at the scene from slamming his pickup into the plaintiffs' vehicle, under Defendants' GWCC Claim #K09160. (Doc 8 exhibit 1, See TXDOT, Crash ID 15215160.1/2016341181 Police report document).

3        If 1<sup>st</sup> accident hadn't happen, plaintiff would not of had a complete TXDOT audit, which on March 22, 2016 Lyman Campell, ( Doc 27-4, Lyman Campell) CRP Investigator was at the plaintiff's business for an audit purpose, and describe an accident on I-35, just as 2<sup>nd</sup> accident has happened, not only this but on June 29, 2016 less than 12 hours after, 2<sup>nd</sup> accident , an accident happen in plaintiff's town, seen on local news, Two semi Truck/trailers and a car resulting in three being killed, causing plaintiff extra trauma ( Doc 27-3, Fatal accident strikes I). (Doc 1 exhibit A, doc 3 pages 25-28 Frontier adjusters) Plaintiff called Defendant after 2<sup>nd</sup> accident they sent out there adjuster, Plaintiff just left the accident scene, was only a few miles and meet up in Commerce TX, He took plaintiff for drug test and then home, the next day we meet up again in Commerce TX where plaintiff inform him he was no longer able to perform as a trucker. Plaintiff filed the necessary paper work to shut down the business. (Doc 8 exhibit 2)

4.       Plaintiff's wrecked truck went to the defendant and wrecked trailer was delivered to plaintiff. The trailer was loaded with Campbell soup at the time of accident, which they requested the soup be trashed because of Greenwood's head getting in the trailer, after a few weeks they delivered trailer to the plaintiffs, Greenwood's blood was on the left side of the trailer, from the front to the back wheels, inside smelt of death, a trail of blood was on the floor from the front of the trailer to the rear doors, probably from when the medical examiner, went in to get Greenwoods head, The glass that sticks out of the front of the trailer had Greenwood's registration sticker on it.

5. The plaintiff is human. 6/28/2016 when plaintiff ran to aid Greenwood, he was missing the top of his head 2/12/16, Whitley appeared to be sleeping, and plaintiff tried to waken him. Plaintiff was told by the nurse, that Whitley had died in van. Plaintiff suffered injuries and couldn't return to operating a business after such conditions. Plaintiff is fearful of his life. Plaintiffs purchased the policy # GWP81789F from defendant GWCC and it was underwritten for him, one believes that they are cover in the event of unseen circumstances, and that the policy that was sold to plaintiff should cover events such as these. The Progressive Insurance company for Victory Life & Texas Farm Bureau for Greenwood is believed to have limited remaining benefits, plaintiffs Insurance is a commercial policy and has insurance benefits not used up, and it defines Bodily injury under defendants GWCC policy GWP81789F, means bodily injury, sickness or disease sustained by person (Doc 10 exhibit 1pg 15). Mental trauma is a disease, an injury that was received from these accidents covered under the policy of the defendants.

6. One thinks of killing as something that happens at war, not on the streets of America. (See attachment 36) 1<sup>st</sup> accident, Plaintiff Gross vehicle weight with load was approximately 78,000 pounds, it's clear that if Ragsdale required glasses, he was not wearing them, his claim was that he lost them in the accident, he also claim that he thought the plaintiff was coming to a stop which he was not, he clearly didn't allow the plaintiff enough room to stop. 2<sup>nd</sup> accident, Plaintiffs gross vehicle weight was approximately 60,000 pounds, Police Officer Crittenden say no matter how fast plaintiff would of tried to get off the road, Greenwood would of still hit the trailer, 75 feet of truck and trailer he would of gone under trailer, or hit back trailer wheels but no way to escape, Officer stated that Plaintiff did exactly as required for the emergency at hand.

7. 1<sup>st</sup> Accident, the driver Ragsdale, told plaintiff they were heading to a dance, they apparently had no time for safety on the way to the dance, and Victory life Church tells plaintiff they are a Drug rehabilitation center. 2<sup>nd</sup> Accident Greenwood's birthday the next day apparently, because of lifestyle changes since he got married (2 convictions for drugs, probably before marriage), he felt the need for a birthday party on the way home. Plaintiffs' mental state of mind, little over 4 months, 1/3 a year, 6 people where kill on highways that the plaintiff has direct knowledge of, 2 from direct contact. This is frightening to say the least. At no time has death been so close, Plaintiff had to shut down business, loss of livelihood. It's just like a stroke, there just nothing the plaintiff can do about it. It just happens. Mental Trauma is real, how can the plaintiff perform with it?

8. As a result of these fatalities accidents, the Plaintiff received mental trauma that has long-term negative consequences, on July 5 2016 the plaintiff shut down operation of Tom Petty Trucking Company. Plaintiff started in business as lease operator in 1987. The plaintiff seeks damages for loss of business, which supply valuable funds that the plaintiff used to pay for valuable services, without this the plaintiff lives below the poverty line. The plaintiff started as independent Trucking Company in 2008. DOT 1812991, MC 658562, (Doc 8 exhibit 2, See mcs-150 out of business,) (Doc 8 exhibit 3 see Texas driver license report 12517), Plaintiff could not go and meet the requirements to continue his CDL, consequently lost his CDL, and cannot drive a commercial vehicle. Plaintiff seeks damages for loss of Commercial Drivers License which plaintiff received in 1985. Plaintiff seeks damages for mental distress & trauma. The 2<sup>nd</sup> accidents, the assaulting vehicle traveling at a high rate of speed with intent to do bodily harm to the plaintiff, the plaintiff still has pain, it is still present; even though the plaintiff was not killed by Greenwood, doesn't mean, no injuries to him.

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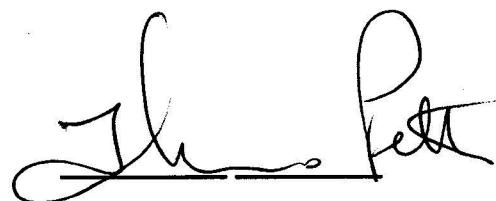
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### CERTIFICATE OF SERVICE

I certify that on the Tuesday, November 21, 2017, I electronically filed the foregoing document with the clerk of the United States District Court, Northern District of Texas, using the CM/ECF system. I certify that on the Tuesday, November 21, 2017, I also sent the foregoing document by e-mail

#### VIA CMRRR AND EMAIL

David Schubert Attorney  
Kelly M. Crain  
Defendants



THOMAS PETTY

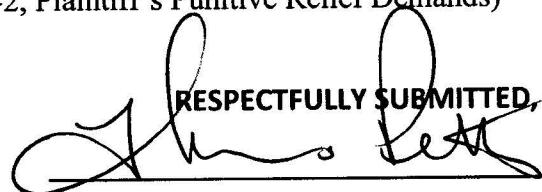
9. Two well known illnesses are heart attack, which your heart stops pumping, and stroke which your mind stops functioning, mental trauma is of the mind that prevents a person from functioning as whole, extremely similar to stroke.

**Medical Explanation**

10. **Mental Trauma** is a type of damage to the mind that occurs as a result of a severely distressing event. Trauma is often the result of an overwhelming amount of stress that exceeds one's ability to cope, or integrate the emotions involved with that experience. A traumatic event involves one's experience, or repeating events of being overwhelmed that can be precipitated in weeks, years, or even decades as the person struggles to cope with the immediate circumstances, eventually leading to serious, long-term negative consequences. (Wikipedia)

11. Plaintiff hereby asserts against Defendants the policy in question was renewed in good faith and let the plaintiff injuries be covered under that policy.

**WHEREFORE, PREMISES CONSIDERED**, Plaintiffs' prays for judgment in the sum of \$575,431.83 plus cost and interest. (Doc 27-2, Plaintiff's Punitive Relief Demands)

  
RESPECTFULLY SUBMITTED,

THOMAS PETTY

PRO SE

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